

TOWN OF FREDERICK, COLORADO
ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWN OF FREDERICK COLORADO,
REGARDING LICENSING OF MEDICAL MARIJUANA OPERATIONS UNDER
CHAPTER 6 OF THE TOWN OF FREDERICK MUNICIPAL CODE, 1992.**

WHEREAS, the Board of Trustees of the Town of Frederick finds it necessary to amend the Town of Frederick Municipal Code, 1992, to make the Code consistent with Town practices, and to clarify procedures and regulations applicable to the operation of medical marijuana operations.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. A new Sec. 6-47. (Medical marijuana operation licenses) of the Frederick Municipal Code, 1992 is hereby enacted to read as follows:

“Sec. 6-47. Medical marijuana operation licenses.

(a) Definition, fee. A *medical marijuana operation* shall be a business in which medical marijuana is grown for or dispensed to persons listed on the Colorado Department of Public Health and Environment Medical Marijuana Registry (“Registry”) and who hold both a valid Registry ID card and prescription for possession of medical marijuana. An operation must qualify as either a “medical marijuana dispensary” or “medical marijuana growth facility under the Town Land Use Code; such operations shall collectively be referred to herein as *medical marijuana operation* unless otherwise specified. The license fee is five hundred dollars (\$500.00) per year. Each operation so licensed shall keep a written record of each transaction involving medical marijuana, including the date and time of transaction; Registry ID numbers associated with transaction; sales tax, business ID, and location of any associated dispensary; and a description of the quantity of product involved. The place of business of each licensee shall be open to inspection by law enforcement officials at any reasonable time.

(b) Standards. The local licensing authority shall have the authority to issue medical marijuana operation licenses in accordance with Art. XIV, Sec. 14, Colo. Const., 5 C.C.R. 1006-2, and the provisions of this Section. The provisions of this Section shall be considered in addition to any regulation by the Colorado Department of Public Health and Environment, and all other standards applicable to the issuance of licenses for medical marijuana operations under state law.

(c) Eligible facilities. A medical marijuana operation license may only be considered when the premises to be licensed are located in an industrial zoned district, as set forth in the Town Land Use Code and Town Zoning District Map. No medical marijuana growth activity shall be licensed unless associated with a validly licensed medical marijuana operation.

(d) Minimum distances from community areas. A medical marijuana operation license may not be considered when the premises to be licensed is located within one thousand (1,000) feet of any school, library, child care center or public or private park within the Town; within two hundred fifty (250) feet of any group home facility; or within two hundred fifty (250) feet of any residentially zoned property in the Town, except residentially zoned properties which are used for

commercial or institutional uses, such as hospitals, correctional facilities or public utility facilities.

(e) No person, firm or corporation shall be issued a license under this Section without first presenting the following to the Town Clerk's office:

(1) Evidence of state retail sales tax license;

(2) Evidence of Public Liability Insurance - one hundred thousand dollars (\$100,000.00) each occurrence; three hundred thousand dollars (\$300,000.00) aggregate, and Workers' Compensation Insurance - in accordance with state laws;

(f) Application requirements. An application for a medical marijuana operation license shall include the following:

(1) A map or other drawing illustrating the one thousand (1,000) foot vicinity of the premises to be licensed;

(2) A legal description of the approximate area within which the medical marijuana operation shall be located, including all parking, storage, and publicly accessible areas;

(3) A description of the measures which have been taken for storing medical marijuana in a secured area on the licensed premises for the future use of the medical marijuana operation;

(4) A description of the volume of medical marijuana produced on the premises, whether any other plants or vegetation are also grown on the premises, and security measures taken to prevent access to inventory by those other than licensee, its employees, and qualified Registry patients and to protect the facility and its inventory, as well as all Registry patients served and employees at the premises.

(5) A description of the number of Registry patients and authorized caregivers to be served through the premises.

(g) Advance notification. No medical marijuana may be grown or dispensed from licensed premises unless the licensee has provided written notice to the local licensing authorities and the Frederick Police Department at least forty-eight (48) hours prior to commencing operations on the premises.

(1) In this regard, there shall be a limitation of sixty (60) days during which a notice shall be valid and no notice may specify any date of use which is beyond the current license period.

(2) Such notice shall contain the specific days and hours on which the premises are to be staffed, and the dates of all scheduled product retrievals by each Registry patient to be served.

Section 2. Effective date. This ordinance shall be published and become effective as provided by law.

Section 3. Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of

the fact that one or more part, sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof in conflict with this ordinance are, to the extent of such conflict, hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution, or motion thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS

_____ DAY OF _____, 2009.

ATTEST:

TOWN OF FREDERICK

By _____
Nanette S. Fornof, Town Clerk

Eric E. Doering, Mayor